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EXAMINER

RUTTEN, JAMES D

ART UNIT PAPER NUMBER

2192

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/848,952 | <b>Applicant(s)</b><br>LURIE ET AL. |  |
|                              | <b>Examiner</b><br>J. Derek Rutten   | <b>Art Unit</b><br>2192             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to Applicant's amendment dated 10 August 2005, responding to the 10 February 2005 Office action provided in the rejection of claims 1-38, wherein claims 1, 2, 15, 19, 25, 27, 29, and 36 have been amended, no claims have been canceled, and no new claims have been added. Claims 1-38 remain pending in the application and have been fully considered by the examiner.

2. Applicant has primarily argued that the claims are not anticipated by Wright because it does not disclose a "data model defining one or more data element, data relationship, data dependency and data distribution attributes required for interfacing a mobile software application with an enterprise backend application". This argument is persuasive, and the rejection is withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 5,295,222 to Wadhwa et al.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Response to Amendment***

4. Applicant's submission has remedied all prior drawing and 35 USC § 112 issues that were indicated in the previous Office Action.

***Response to Arguments***

5. On pages 10-12, Applicant provides a summary of the Wright reference in support of arguments appearing on pages 13-16 that Wright does not disclose a "data model defining one or more data element, data relationship, data dependency and data distribution attributes required for interfacing a mobile software application with an enterprise backend application", as similarly recited in claims 1, 15, 25, 27, 29, and 36. These arguments appear to be related to further arguments that in contrast to Wright, the data model of the present invention describes "data attributes required for a mobile software application to interface with a backend application, including transactions, connections, relationships and dependency relationships, and distribution attributes" (page 13 paragraph 2). These argument is persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 5,295,222 to Wadhwa et al.

6. On pages 12 and 13, Applicant provides further summary of Wright and essentially argues that Wright's service objects do not provide a decoupled data model (page 13 paragraph

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2). This argument is persuasive. However, new references U.S. Patent 6,880,126 to Bahrs et al. and U.S. Patent 6,871,146 to Iyengar teach data models in terms of XML technology which produces a data model that is not tied to any particular client or backend application as discussed in the rejection of claim 2 below.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-27, 29-34, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record U.S. Patent 5,857,201 to Wright, Jr. et al. (hereinafter "Wright") in view of U.S. Patent 5,295,222 to Wadhwa et al. (hereinafter "Wadhwa").

In regard to claim 1, Wright discloses:

*A method (see column 13 line 1 – column 14 line 15) comprising:*

*distributing a software platform to a first enterprise, the software platform for use in connection with an enterprise computing system having a plurality of backend software applications; See Fig. 2 in conjunction with column 4 lines 62-67:*

Referring to FIG. 2, a client/server system 130 of the present invention will be described. The client/server system 130 hereinafter may also be referred to as the FormLogic client/server system. The system 130 includes the database 102, the mail server 104, the LAN 106 and an administrator server 148.

*the software platform including a data modeling program allowing creation of a data model ... required for interfacing a mobile software application with at least one of the plurality of backend applications - See column 6 lines 1-8:*

The client database 172 serves as a temporary representation of the host database, e.g., 180, because the client cannot maintain a full-time connection to the FL server 132. On the server side, a **Remote Database API** has been developed that allows developers to efficiently **manipulate the client database 172** while sending a minimum amount of data over the connection.

This passage illustrates the creation of a data model that permits a client to manipulate a temporary version of the host database.

*and a deployment feature allowing deployment of at least a portion of the data model to a plurality of mobile computing devices.* Column 6 lines 1-8 cited above describe the “Remote Database API” as a means for deploying at least a portion of the data model. FIG. 2 elements 136, 142, and 146 further detail use of mobile computing devices.

Wright does not expressly disclose *distributing the software platform to a second enterprise*. However, Wright teaches that a device should be able to connect to any enterprise data source. See column 1 lines 44-49:

This architecture should allow developers to create two way links between **any existing enterprise data source on a network**, such as a database, mail server, or internet news feed, and FormLogic client applications.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute Wright’s FormLogic platform to a plurality of enterprises. One of ordinary skill would have been motivated to connect a client to any enterprise data source existing on a network, and thus to distribute as many FormLogic platforms to as many enterprises as possible in order to permit such connection.

Wright also does not expressly disclose a *data model defining one or more data element, data relationship, data dependency and data distribution attributes*. However, in an analogous environment, Wadhwa teaches that a data model that defines at least data relationships can be used for generation and distribution of applications. See column 6 lines 59-63:

An association between entities is known as a relationship. For example in FIG. 3 the entity, Organization 1, is now linked to the entity, Employee, by the relationship, Employs 3. Relationships are also defined by attributes.

Applicant's use of alternative language in the claim, i.e. "one or more" allows Wadhwa to teach this claim limitation with the above cited data relationship attributes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wadhwa's data model including data relationship attributes with Wright's software platform. One of ordinary skill would have been motivated to provide a data model that can be readily re-used in subsequent applications (Wadhwa column 7 lines 16-18).

In regard to claim 3, the above rejection of claim 1 is incorporated. Wright further discloses connecting clients and servers using at least 3 distribution mediums in FIG. 2 elements 134/136, 140/142, and 147/146'. Distribution of the software platform to a first enterprise using a first distribution medium is inherent since without distribution the system could not be installed or operated. Wright does not expressly disclose *wherein the software platform is distributed to the second enterprise using a second distribution mechanism*. It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute Wright's software platform using any distribution means available. One of ordinary skill would have been motivated to use a modem if a

user has telephone access, and the internet if the user has internet access, depending upon which method is easier, cheaper, and/or faster, etc.

In regard to claim 4, the above rejection of claim 1 is incorporated. Wright does not expressly teach differing categorizations of industries among enterprises. However, as the word “enterprise” is used to describe a computing environment existing in a business organization or corporation, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Wright’s teachings among differing industries. One of ordinary skill would have been motivated to provide data model representations to as many industries as possible in order to maximize potential profit from licensing and sales of software implementations.

In regard to claim 5, the above rejection of claim 1 is incorporated. Wright does not expressly disclose *receiving monetary value from the first and the second enterprises in connection with the distribution of the software platform*. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to collect payment for delivery of software. One of ordinary skill would have been motivated to make money for providing goods or services.

In regard to claim 6, the above rejection of claim 1 is incorporated. Wright further discloses: *wherein the software platform includes a development environment that*



*allows creation of a software application that references the data model.* See column 3 lines 49-53.

In regard to claim 7, the above rejection of claim 1 is incorporated. Wright further discloses: *wherein the software platform is integrated with a backend software application of the first enterprise.* See column 6 lines 1-8.

In regard to claim 8, the above rejection of claim 1 is incorporated. All further limitations have been addressed in the above rejection of claim 7 above.

In regard to claim 9, the above rejection of claim 1 is incorporated. Wright further discloses: *using a mobile computing system to create a second software application, the second software application to control transfer of data with at least one of the plurality of backend applications of the enterprise computing system, wherein the second software application references the data model.* See column 2 lines 34-42. Note that Visual Basic is a development tool that runs on Microsoft Windows operating systems that are well known to run on mobile computing systems such as laptop computers.

In regard to claim 10, the above rejection of claim 9 is incorporated. Wright further discloses: *deploying the second software application onto a mobile application server, the mobile application server responsive to the enterprise computing system and*

*responsive to the plurality of mobile computing devices.* See column 2 lines 34-42 as cited above.

In regard to claim 11, the above rejection of claim 10 is incorporated. Wright further discloses: *wherein data is transferred asynchronously between the first software application and the second software application.* See column 2 lines 43-49.

In regard to claim 12, the above rejection of claim 9 is incorporated. Wright further discloses: *wherein the mobile computing system uses a mobile domain.* See FIG. 2.

In regard to claim 13, the above rejection of claim 6 is incorporated. Wright further discloses: *the software application is a task specific software application that is targeted for use by a selected class of employees of an enterprise associated with the enterprise computing system.* See column 11 lines 10-17.

In regard to claim 14, the above rejection of claim 13 is incorporated. Wright further discloses: *wherein an employee using one of the mobile computing devices provides information so that the employee is authenticated as belonging to the selected class so that such employee is given access to the first software application.* See column 11 lines 8-13.

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In regard to claim 15, Wright discloses:

*A system integration method* (see column 13 line 1 – column 14 line 15)

*comprising:*

*integrating a first computing system into a first enterprise network* (See Fig. 2 element 132), *the first computing system comprising:*

*an integration unit operable to access a backend application of the first enterprise network, the integration unit further operable to access a first data model that references at least one enterprise object associated with the backend application;* See column 2 lines 43-49:

In one aspect of the present invention there is a client/server system, comprising a portable client computer, comprising a client database, and a communications module; a server computer, comprising a server data source, **a session module, in communication with the server data source**, to non-persistently connect to the communications module and access the client database from time to time.

Also see column 6 lines 46-51:

Because mobile clients cannot maintain a persistent connection to the FL server 132, they must "connect" for short periods of time to perform a specified operation or set of operations. Each of these connections is referred to as a "session", during which time a specified set of operations are performed between the FL client and FL server.

*a connection unit responsive to a plurality of mobile computing devices, at least one of the plurality of mobile computing devices having access to the first data model;*

See FIG. 3 elements 194 and 196 in conjunction with column 7 lines 31-35:

For example, as shown in FIG. 3, a **Connection object 194** may be associated with Client A 136 and a Connection object 196 may be associated with Client C 146. Each of these connections are independent, and a plurality of connections may be concurrent.

Wright does not expressly disclose *integrating a second computing system to a second enterprise*. However, Wright teaches that FormLogic can be used to connect to plural data sources. See column 3 lines 24-27:

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The new FormLogic C/S architecture overcomes these limitations by allowing developers to create direct links between PDAs and enterprise data sources using industry standard development tools.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to distribute Wright's FormLogic platform to a plurality of enterprises to connect a plurality of computing systems. One of ordinary skill would have been motivated to distribute as many FormLogic platforms as possible in order to maximize profit for vendors providing sales and support of the product.

All further limitations have been addressed in the above rejection of claim 1.

In regard to claim 16, the above rejection of claim 15 is incorporated. Wright further discloses *further comprising providing integration services in connection with integrating the first computing system into the first enterprise network*. See column 3 lines 24-27 as applied in the above rejection of claim 15.

In regard to claims 17 and 18, the above rejection of claim 15 is incorporated. All further limitations have been addressed in the above rejection of claim 5.

In regard to claim 19, the above rejection of claim 15 is incorporated. Wright discloses a mobile software application accessing backend applications using data attributes. See column 7 lines 11-20.

In regard to claim 20, the above rejection of claim 15 is incorporated. Wright further discloses: *a data management module in communication with the integration unit*

*and with the connection unit.* See FIG. 3 element 184 in conjunction with column 7 lines 26-31.

In regard to claim 21, the above rejection of claim 15 is incorporated. All further limitations have been addressed in the above rejection of claim 11.

In regard to claim 22, the above rejection of claim 20 is incorporated. Wright further discloses: *integration transaction data is transmitted between the data management module and the integration unit.* See column 7 lines 26-44 in conjunction with FIG. 3 elements 184/194/200.

In regard to claim 23, the above rejection of claim 22 is incorporated. Wright further discloses: *integration transaction data is transmitted between the integration unit and the back-end application.* See column 2 lines 43-49 as cited above.

In regard to claim 24, the above rejection of claim 22 is incorporated. Wright does not expressly disclose: *the back-end application is selected from the group consisting of an accounting program, a database program, an enterprise resource management program, and a customer relationship management program.* However, Wright teaches that various data sources, including database, mail server, news feed, etc., exist on a network. See column 1 lines 41-49. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wright's teaching of

various data sources with Wright's integration method. One of ordinary skill would have been motivated to connect to any existing enterprise data source (column 1 lines 42-44).

In regard to claim 25, all limitations have been addressed in the above rejections of claims 1 and 15.

In regard to claim 26, the above rejection of claim 25 is incorporated. All further limitations have been addressed in the above rejection of claim 1.

In regard to claim 27, Wright discloses the FL Builder which builds applications based on code (column 6 lines 38-42). Wright further discloses mobility deployment code (column 6 line 63 – column 7 line 10). All further limitations have been addressed in the above rejection of claim 1.

In regard to claim 29, Wright discloses:

*identifying a provider of a software platform; and*

*receiving the software platform;* See column 4 lines 62-65. Identification of a provider and reception of a software platform is inherent in installation of the system. Without identification, a platform could not be received, and without reception, the platform simply could not be installed. All further limitations have been addressed in the above rejection of claim 27.

In regard to claim 30, the above rejection of claim 29 is incorporated. Wright does not expressly disclose licensing software. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to license the software. One of ordinary skill would have been motivated to provide a conditional right to use software in exchange for compensation.

In regard to claim 31, the above rejection of claim 29 is incorporated. Wright does not expressly disclose: *distributing the software platform to another party*. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to send Wright's platform to a third party. One of ordinary skill would have been motivated to exchange software for monetary compensation.

In regard to claim 32, the above rejection of claim 29 is incorporated. Wright further discloses: *using the software platform*. See column 10 lines 41-42.

In regard to claim 33, the above rejection of claim 29 is incorporated. Wright does not expressly disclose: *making copies of the software platform*. However, copies would be inherent in the distribution to a second enterprise as discussed in the above rejection of claim 1, otherwise the only platform would have been sent to the first enterprise and would be unavailable.

In regard to claim 34, the above rejection of claim 29 is incorporated. Wright does not expressly disclose: *securing the right to distribute the software platform*.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to obtain a copyright for software. One of ordinary skill would have been motivated to obtain the legal right for distribution of software in order to maximize potential profit of sales.

In regard to claim 36, Wright discloses:

*hosting the software platform on a server*. See Fig. 2 element 132: “FormLogic Server”. All further limitations have been addressed in the above rejection of claim 29.

In regard to claims 37 and 38, the above rejection of claim 36 is incorporated. All further limitations have been addressed in the above rejections of claims 5 and 1, respectively.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright and Wadhwa as applied to claim 1 above, and further in view of U.S. Patent 6,880,126 to Bahrs et al. (hereinafter “Bahrs”) in view of U.S. Patent 6,871,146 to Iyengar (hereinafter “Iyengar”).

In regard to claim 2, the above rejection of claim 1 is incorporated. Wright does not expressly disclose a data model that is decoupled from a particular mobile or backend application. However, in an analogous environment, Bahrs teaches that an XML data



model can be used to describe objects. See column 15 lines 43-48, column 17 lines 33-36, and column 31 lines 11-14. XML is a data format that provides a decoupling from any application since it is programming language and API-neutral as taught by Iyengar (see column 3 lines 39-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Bahrs' teaching of a decoupled data model with the data model of Wright and Wadhwa. One of ordinary skill would have been motivated to provide a data model using a format that is programming language and API neutral.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright as applied to claim 27 above, and further in view of prior art of record U.S. Patent 6,754,670 to Lindsay et al. (hereinafter "Lindsay").

In regard to claim 28, the above rejection of claim 27 is incorporated. Wright does not expressly disclose: *wherein the data model describes a naming and directory interface that associates enterprise names and objects in a binding that allows access to an SQL database system*. However, in an analogous environment, Lindsay teaches that object data can be bound to access a SQL database. See column 2 lines 19-34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Lindsay's teaching of binding objects in a SQL database with Wrights data model. One of ordinary skill would have been motivated to flexibly accommodate changes in a relational database (column 2 lines 9-13).

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11. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wright as applied to claim 29 above, and further in view of prior art of record U.S. Patent 5,604,906 to Murphy et al. (hereinafter "Murphy").

In regard to claim 35, the above rejection of claim 29 is incorporated. Wright does not expressly disclose: *bundling the software platform with other software to create a bundled package*. However, in an analogous environment, Murphy teaches bundling software. See Abstract. It would have been obvious to one of ordinary skill in the art at the time the invention was made to bundle Wright's software with other software. One of ordinary skill would have been motivated to increase the chances of a consumer purchasing more software by bundling it with a distributed package.

#### ***Terminal Disclaimer***

12. The terminal disclaimers filed on 10 August 205 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on Application Numbers 09/848,770 and 09/848,970, respectively, have been reviewed and are accepted. The terminal disclaimers have been recorded.

#### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571) 272-3703. The examiner can normally be reached on T-F 6:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jdr



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**